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The Silence in the Senate on the Atomic War Pacts

I

The Senate is full of constitutional lawyers. There is a basic constitutional problem in the pending agreements to give nuclear training and nuclear weapons (all-but-the-bullets) to our non-nuclear allies. The Constitution provides that the President may make treaties only with the consent of a two-thirds vote by the Senate. The agreements with France, Germany, Holland, Greece and Turkey for the nuclearization of their armed forces are treaties in every real sense. They are among the most momentous treaties ever made by this country. They embody decisions to spread nuclear military training to our allies—and we often boast that we have no less than 44 around the world. They reflect the decision to make any future conflict nuclear from the very start irrespective of what weapons the enemy uses. These policies were fashioned within the Pentagon and adopted in the NATO Council almost two years ago without public discussion. They first leaked out in veiled communiques few understood; the reality has crept up on us. Yet the first international agreements which embody them are now before Congress not as treaties but as "executive agreements." Such agreements in the past have always required a majority vote of both House and Senate. These atomic war pacts require no affirmative vote at all. They become law within 60 days of submission unless within that short time Congress passes a concurrent resolution of disapproval. This procedure is a clear evasion of the treaty provisions of the Constitution. Yet as this is written (July 15) not a single protest has been heard from any Senator—even Morse —on this basic point, although the 60-day deadline draws near.

II

The most important of these pacts is with the Germans. Whichever way you look at the German question, this new move does not make sense. There are basically two approaches to the German problem in Washington. The first is that the only real way to guarantee ourselves against another German switch is to bind West Germany securely to us in NATO. This implies that we do not really trust the Germans and their new army; we are afraid that a neutral Germany or an uncommitted Reich might swing over to a deal with Moscow, as did that other bulwark-against-Bolshevism, Hitler, in 1939. But if we don't trust the Germans, why trust them with nuclear weapons?

The other approach to the German problem is that Eastern Europe can only be liberated from the heavy Russian hand and Europe from the fear of a German militarist revival if some agreement is reached to make Germany part of an atom free zone in Europe. This alone offers a chance for German reunification, relaxation of tension and a slowing-down of the arms race as Mansfield, Fulbright and Humphrey have so often argued on the Senate floor. Only in such a context can West Berlin's freedom be preserved. Yet except for the questions raised by Humphrey (see page two), none of these or any other Senators has tried to block the atomic war pacts which would foreclose such solutions, and foreclose them in the midst of the Geneva negotiations. The Adenauer government seems to want these negotiations to fail; its brinkmanship is reflected in the Foreign Office statement (*Baltimore Sun,* July 14) that even an agreement to ban atomic arms from Berlin is "very dangerous!" The Germans, whom we have fought twice in one generation, are cooking up another hot broth for us, but the Senate is silent.

III

Almost everyone admits that World War III, like World War I, is most likely to be sparked by some incident none of the Great Powers planned or desired. World War I started with the assassination at Sarajevo in the Balkans. The Balkans are still unstable. Yugoslavia switched sides. Greece had to fight a civil war against Communism. Turkey is explosive with discontent over a growing one-party dictatorship and an inflation brought on by heavy military burdens. The old Macedonian question still haunts Bulgaria, Greece and Yugoslavia. Albania, Moscow's outpost on the Adriatic, is a primitive tribal land. Yet these Greek and Turkish agreements are the first step toward making the unstable Balkans the site of numerous nuclear rocket bases. We're going to place them on our side. The Soviets will counter on theirs. A Russian offer to make the Balkans atom-free has strong support in Greece and Yugoslavia but was rejected out of hand in Washington and London. The result will be to leave the Powers again, as in 1914, at the mercy of reckless action by unstable Balkan satellites obsessed with their own Lilliputian feuds. On this, too, there is silence in the Senate.

IV

Of all the lessons of recent history none is clearer than that told in the ruin twice brought on Germany by its military since 1914. No principle seemed more important to the founders of our own country than subordination of the military to civilian control. Yet the reason for the silence in the Senate is that few dare any longer challenge the military. An Anderson can take on and defeat a Strauss but falls silent at this juncture. Nuclear weapons and the desirability of a German alliance are the Pentagon's sacred cows. To question them is to risk one's political career, to find oneself outside the pale of respectability. The silence in the Senate says that we, too, like the Germans before 1914 and 1939 are falling under military domination.

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Opposition Rising in Congress to Agreements for Spread of Nuclear Weapons

Text of the Questions Raised by Humphrey — First Protest in the Senate

"1. Are these agreements welcomed by the people and the political and military leaders of Western Europe?

"2. Do these agreements take us further down the road of a NATO defense policy consisting primarily of a reliance on nuclear weapons at the expense of a balanced defense policy capable of using conventional or nuclear weapons, depending on the nature of the emergency?

"3. Have the United States and its NATO allies satisfied themselves that these agreements, particularly the agreement with West Germany, will not jeopardize our efforts to make progress on the control and reduction of armaments?

"4. If the President's contention is true, i.e. that the strength of any alliance depends 'in the last analysis upon the sense of shared mutual interests among its members,' then to what extent will this be true of the Baghdad Pact, the SEATO pact, the Rio Treaty, the Pact with Nationalist China, and the Treaty With South Korea?

"6. Can it not be argued that the agreements are in conflict with an important aspect of our foreign policy, the prevention of the proliferation of nuclear weapons among many countries; or, has the United States abandoned its policy of trying to restrict the membership of the nuclear club?

"Since it is the intention of the United States, according to the President's statement, to enter into additional agreements on the sharing of nuclear weapons information and equipment, I believe that the answers to the above questions should be given before the proposed agreements are consummated. The time for the Senate to examine the foreign policy and defense policy implications and commitments involved in these proposed agreements is *now*. . . .

—Sen. Hubert H. Humphrey, July 13.

Press Blackout Broken

After an almost complete blackout in most newspapers (including the New York Times) on the nuclear give-away agreements, the public hearings on them July 2 and the protests on the floor of the House July 9 (see excerpts below), Senator Humphrey broke through the journalistic iron curtain July 13 with a statement raising questions about these agreements and suggesting that if they could not be answered satisfactorily "perhaps a resolution is in order to direct the Executive Branch to refrain from entering into the agreements at this time." (Seven members of Congress, as we reported last week, have already introduced such resolutions in the House). We print here the text of the questions raised by Humphrey, but note that not even he has introduced a veto resolution in the Senate.

Five Members of Congress Challenge the Nuclear Give-Away in The House

Mr. [Wm. H.] MEYER (D. Vt.). This is the beginning of a policy which will spread nuclear know-how to country after country. The President in his message to Congress on May 26, and again on June 11, stated that he anticipated the conclusion of similar agreements with certain other NATO nations. I believe the executing of these agreements would increase tension, lessen chances for settlement and make it appear as though the United States was less interested in negotiations for an honorable peace than in making further preparations for war.

Mr. [Clem] MILLER (D. Cal.). I strongly share these sentiments. The more we study this field of nuclear activity the more we realize there has got to be some place where we call a halt and turn back. If we go on, then through accident or some other means, we will be led inevitably to some holocaust from which the world will never recover.

Mr. MEYER. Mr. Speaker, I would like to raise the question of whether it is not ironic that we have gone to the extent of developing a security system because we were afraid of what might happen to our atomic secrets. This security system has brought hardship on many of our scientists, such as Dr. Oppenheimer. The civil liberties of all American people have suffered. Even at certain times Members of Congress are required to have a check to be in on certain hearings and discussions. Now our secrets may very easily go to a former enemy, Germany. They may also go to the unstable government of France, also to a military party in Turkey, which is our good ally at the present time but may not be such a good risk perhaps.

Mr. [Byron L.] JOHNSON (D. Col.). Mr. Speaker, a very competent professor of theoretical physics, Herbert Jehle, has submitted a memorandum in which he points out: "Do we have the moral vigor to stop this criminal race? We can stop it only if we refuse to be ready to do by remote control what no sensitive human being could do with his own hand: bring untold suffering and obliteration to innocent children. We need to develop non-violent techniques to resolve areas of conflict."

Mr. [Leonard G.] WOLF (D. Iowa). On August 29, 1957 [at the close of the London disarmament talks] the U. S., Great Britain, France and Canada put forth to the Soviet Union as part of a package disarmament program a suggestion that the advanced nuclear nations should agree not to transfer nuclear weapons to another country.

The representatives of the Soviet Union questioned our sincerity in this matter and concluded that the policy of the U. S. was geared to transferring these weapons. The executive agreements with the NATO countries do much to substantiate the Soviet claims.

Mrs. [Edith] Green (D. Ore.). Ten years ago the suggestion that we equip a German Army with crossbows, much less with atomic bombs, would have been laughed to scorn in this Chamber. I am the first to admit that the West Germany of today is not the Third Reich of 14 years ago. But who can do more than surmise that the Germany of 14 years hence will be the Germany of today. I hope the Congress will be inspired to prevent the playing of guessing games with the germ plasm of our children.

Mr. Speaker, we are being told that it is necessary in order to boost the morale of some military and political figures in Western Europe, to give them guns—guns with barrels, with triggers, with gunsights, with manuals on the care and use of the gun—with, in short, everything but bullets—just yet, anyway.

In brief: Unless we show the West Germans, the French, the Dutch, the Turks and the Greeks that we think they, too, ought to have their own do-it-yourself annihilation kits, their feelings will be hurt.

I cannot believe that the people of these countries are in any real haste to become members of the Nuclear Power Club. The average person in Western Europe is too sensible to look forward with eagerness to the creation of new atomic stockpiles on the soil of their native lands. Very possibly, Mr. Speaker, the generals and admirals in these countries want to see their troops equipped with these genocidal weapons. It has been wisely said that war is too important to be left to the Generals. The same aphorism would apply to human survival.

—House of Representatives, July 9 (abridged).

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Open Letter to Rockefeller Notes We Still Have Rat-Infested Slums

Norman Thomas Sees Build-Up for Preventive War in Fallout Shelter Program

Dear Governor Rockefeller:

My morning paper gives the summary of the report of your Special Task Force on Protection from Radioactive Fallout whose recommendations, we are told, you heartily approve. I would not lightly oppose recommendations looking to the savings of any lives in the horror of nuclear war. But the report raises some unanswered questions.

With probably unconscious irony the TV program, *Today,* followed its account of your Committee's recommendations of compulsory requirement of fallout shelters by a story of the campaign against rats in the slum districts in which a child died of a rat bite. (Her pathetic mother appeared on a screen).

It is indeed a mad world wherein the state must impose on us a great expense for dubious protection against radioactivity in possible war before it has protected its children from rats and the slums that breed them.

Our New Breed of Mad Scientists

But perhaps we must accept Blaise Pascal's judgment: 'Men are mad so unavoidably that not to be mad would constitute one a madman of another order of madness." Anyway as long as scientists like Herman Kahn, directly or indirectly in the employ of our government, go around testifying that the question "Is it ever *profitable* to *initiate* a thermonuclear war?" (italics mine) must under some circumstances be answered in the affirmative, we are faced with a type of madness, American as well as Russian, that might justify our government in the year of our Lord 1959 in compelling this provision of poor shelters against a possibly suicidal annihilation of our race.

That they are proor protectors of our lives to say nothing of our civilization is obvious. What scientists say they are adequate? Remember recent testimony that one "moderate" sized attack with hydrogen bombs, without follow-up or supplementary use of bacteriological weapons, would kill 6,089,000 people in the New York area while destroying some quarter of our national population and about half of our homes. We would get no warning of this attack. Who would get into shelters? How long would those outside the immediate area of total destruction and great fallout have to stay inside crowded shelters sustained by the supplies your Committee recommends us to hoard? Would they be insensible to the misery outside the dubious shelters? What would happen to orderly processes of life and government, especially since we should have to expect a second attack to follow the first? These questions demand something far more definite than your Committee's cheerful assurance of survival to "millions." Might the survivors not envy the dead?

Survival is not the only concern of your Committee. It hopes to inspire confidence in our people—all of whom will identify themselves with survivors—and scare off a potential enemy. Compulsory provision of shelters it says "can instill in all our people a confidence that, while nuclear war need not come, if it is brought to our continent by an attacking enemy, we will respond with vigor and success. It will provide abundant notice of our purpose to achieve peace by assuring the survival of our people and democratic institutions."

Perhaps—provided, of course, that our survivors manage indiscriminately to kill more human beings called the enemy in or out of their shelters. But this rush to compel the building of shelters will everywhere be coupled with growing talk of "preemptive," i.e. preventive war and with our Federal government's zeal to enlarge the nuclear club by gifts to Germany, Turkey, Greece and others. May it not then be interpreted by the Russian people as final proof that we plan aggressive war and by their dictator as a stimulus to attack before shelters are built if he thinks he has the missile superiority which some experts credit him with? Such questions are not rhetorical. They require an answer.

Sincerely yours, Norman Thomas

Peace Is Horrible?

Dear Mr. Stone:

Although Herman Kahn may give the impression that he invented everything, Monte Carlo Problem is not a name coined for the occasion. More properly Monte Carlo Method is the name for the method used by J. von Neumann and Stanislaus Ulam whereby the answer to a mathematical problem may be obtained from the results of a related problem in statistics. Poor H. K. Peace is horrible? He never had it so good!

A Scientist Reader in Texas

Harriman Explains Why He Thinks Krushchev Wants Armament Reduction

Mr. COLLINGWOOD: Did you get any impression from him [Khrushchev] that this [i.e. the arms burden] is causing a conflict with his desires and his promises to raise the standard of living of the ordinary Soviet citizen?

Governor HARRIMAN: Oh, very definitely. He didn't say so in so many words. But he talked in such a way that I had the idea that there was a heavy load.

Mr. COLLINGWOOD: What kind of thing did he say?

Governor HARRIMAN: He asked me who would be the next President of the United States. And I told him that I didn't know, but I was quite convinced it would be a Democrat. I gave him the names of the five leading candidates. He didn't have any comment on any of them. But then he said what would be the change in policy. And I said, 'Well, of course, the Democrats wouldn't be so concerned about balancing the budget—they would be ready to spend the money necessary to keep abreast of you in the missile race and in the nuclear field, or in any other aspect of defense.' And he said, 'You mean to say they would spend more money?' And I said, 'Yes, that's just what I mean.' He said, 'Well, that will mean we'll have to spend more money.'

I got the very great impression that not only did he not want to spend more money, but the money he was now spending was a burden to him, and he recognized it was competitive with the promises he hopes to fulfil.

Therefore, I think the summit conference should be thought of, not in terms of Berlin—I think there is too much emphasis on Berlin. I would like to see the Foreign Ministers get off it and get on the subject of control of nuclear tests and other aspects of disarmament which have been discussed between us for years and years and years, where at least we know where there are points of differences. And I cannot help but believe that there would be some progress made in this field, because I think this is an area that he wants to come to some understanding.

—Report on Russia: The Harriman Trip, CBS, July 12.

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Hearings Open on Travel Bills, Including Humphrey's Measure to Guarantee It

Fulbright Bill Would Bar Faceless Informers in Passport Hearings

A welcome change in atmosphere is reflected in the passport bills on which the Senate Foreign Relations Committee began hearings last week. Two years ago, as readers will remember, the State Department was able to get liberal Democrats to sponsor a bill which would have written its star chamber passport hearings procedures into law.

This year only Wiley of Wisconsin could be prevailed on to introduce S. 2315, the State Department bill. Liberal Democrats led by Humphrey (with Anderson, Chavez, Hennings, Morse, Neuberger, and Symington) are sponsoring S. 806 which would affirm the right to travel and forbid the denial of passports on political grounds. This bill, S. 806, is supported by the American Civil Liberties Union, the ADA, and the Emergency Civil Liberties Committee.

The Right to Confront Accusers

A kind of compromise measure, S. 2287, is sponsored by Fulbright, the chairman of the Senate Foreign Relations Committee. His bill deserves praise for one striking feature. It is the first bill to exclude "faceless informer" testimony from an administrative hearing dealing with loyalty-security matters. The bill would allow an applicant in passport hearings "to examine all documentary evidence, including confidential data, introduced against him to cross-examine the sources thereof; to cross-examine all witnesses, including confidential informants."

But the Fulbright bill does allow a passport to be denied where "there are reasonable grounds to believe" that the applicant when abroad would transit "highly classified secrets" or endanger the national security by "inciting, or conspiring to bring about," hostilities which might involve the United States or attempts to overthrow its government. Since conspiracy to commit any of these acts would be a crime, it can and should be punished by indictment or trial if there is evidence to prove it. If the evidence is not sufficient, why it should be the basis of denying the right to travel? The ACLU is opposing the bill on these grounds.

Senator Fulbright, in a memorandum on his bill, stresses the fact that its provisions "would not permit the Department to inquire into [Communist] Party affiliations in the 1930's and 40's, since in those days the nature of the Communist threat was unknown to many loyal, law-abiding Americans." Nor would the bill "sanction inquiry into the activities of applicants relating to so-called 'left-wing' or 'front' organizations" unless linked to proof of attempts to transmit secrets or overthrow the government.

"My bill," Senator Fulbright said, "focusses on conduct that presents a clear and present danger to the security of the United States and in no way attempts to curb expression of unpopular beliefs or association with unpopular groups."

It still seems to us that if the danger is clear and present, it should be clear enough for criminal prosecution under the conspiracy laws. Otherwise we create a dangerous twilight zone of surmise and suspicion in which due process in any real sense becomes impossible. Yet refusal of the right to travel on loyalty-security grounds creates as much of a stain on a man's reputation as conviction of a crime.

Affirming the Right to Travel

"Congress finds . . . the right to travel abroad a part of the liberty of which citizens . . . cannot be deprived . . . under the Fifth Amendment. . . . It is also the sense of the Congress . . . that no test of beliefs or associations shall be applied to issuance of passports."

—S. 806, by Humphrey (with Anderson, Chavez, Hennings, Morse, Neuberger and Symington).

Scott Nearing's Passport Revoked

We also think the bill objectionable in that it allows the Department to use passport control to shut off travel to certain countries. This is really a modified form of thought control, an invasion of freedom of the press, a denial to the public of access to the facts on which to reach its own opinion on such matters as recognition of Communist China. In this connection we want to call attention to the Department's action in revoking the passports of Scott and Helen Nearing for having gone to China. This is the Iron Curtain mentality in our own country.

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